



Senator Feinstein Calls on Reid and McConnell to Bring U.S. Attorney Legislation to a Vote in Senate

February 26, 2007

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today called for Senate consideration of legislation that she sponsored that would prevent the circumvention of the Senate's constitutional prerogative to confirm U.S. Attorneys.

This request comes following revelations that six U.S. attorneys were dismissed in recent months, despite the fact that they were given favorable performance reports by the Department of Justice.

In letters to Majority Leader Harry Reid and Minority Leader Mitch McConnell, Senator Feinstein wrote: **“These reports confirm my speculation that the rash of firings that occurred in December was not based on misconduct or poor performance. Instead, these reports only serve to fuel my concerns that the Department of Justice based its decisions to fire competent and successful U.S. Attorneys because of a desire to put young politically-connected lawyers from the outside into these offices.**

I continue to believe that it is imperative that we change the law back to the way it had been, and require the Department of Justice to go through regular order and secure Senate confirmation of U.S. Attorneys.”

Senator Feinstein’s legislation, which was approved by the Judiciary Committee earlier this month, would restore the process in place before 2006.

It would allow the Attorney General to appoint interim U.S. Attorney for 120 days. If after that time the President has not sent up a nominee to the Senate and had that nominee confirmed, then the authority to appoint an interim U.S. Attorney would fall to the district court. This was the law from 1986 to 2006. It was proposed by Reagan Administration and included in a bill by Senator Strom Thurmond.

This process was changed in 2006, when a provision was inserted without notice into the USA Patriot Act. The law was changed so that if a vacancy arises, the Attorney General may appoint a replacement for an indefinite period of time – thus completely avoiding the Senate confirmation process.

Senator Feinstein's legislation restoring the process in place before 2006 was cosponsored by cosponsored by Senators Arlen Specter, Patrick Leahy, and Chuck Schumer.

The following is the text of Senator Feinstein's letters:

February 26, 2007

Majority Leader Harry Reid

Republican Leader Mitch McConnell:

This weekend, the Department of Justice finally released six of the Evaluation and Review Staff (EARS) reports of the fired U.S. Attorneys which are attached for your review. EARS reports are thorough and scheduled reviews that are done on a periodic basis to evaluate U.S. Attorneys and determine how they are doing in their jobs, where there is need for improvement, and where there are successes.

Reports were provided for:

- Carol Lam, San Diego
- John McKay, Western District of Washington
- Bud Cummins, Eastern District of Arkansas
- David Iglesias, District of New Mexico
- Paul Charlton, District of Arizona
- Daniel Bogden, District of Nevada

All were favorable and, in fact, all are quite positive reviews of their performances. Indeed, contrary to the Department's rationalizations to explain their dismissals, in every case the fired U.S. Attorney was judged to have a strategic plan and appropriate priorities to meet the needs of the Department and their districts.

These reports confirm my speculation that the rash of firings that occurred in December was not based on misconduct or poor performances. Instead, these reports only serve to fuel my concerns that the Department of Justice based its decisions to fire competent and successful U.S. Attorneys because of a desire to put young politically-connected lawyers from the outside into these offices.

I continue to believe that it is imperative that we change the law back to the way it had been, and require the Department of Justice to go through regular order and secure Senate confirmation of U.S. Attorneys. I urge you both to find a time to bring S. 214, Preserving United States Attorney Independence Act of 2007, to the floor of the Senate and schedule an up or down vote on the floor.

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